

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

UNITED STATES OF AMERICA	§	
	§	
VS.	§	ACTION NO. 4:20-CR-269-Y
	§	
ERIC PRESCOTT KAY (1)	§	

ORDER GRANTING MOTION TO INTERVENE,  
PARTIALLY GRANTING MOTION TO UNSEAL AND  
MOTION TO STRIKE WITNESS AND EXHIBIT LISTS,  
AND DENYING MOTION FOR LEAVE TO FILE REPLY BRIEFS  
(With Special Instructions to the Clerk of the Court)

Pending before the Court are the following motions: (1) the Motion to Intervene and Unseal Judicial Records filed by Los Angeles Times Communications LLC ("the Times"); (2) the Motion to Strike Witness and Exhibit Lists filed by the government; and (3) the Times's Motions for Leave to File Reply Briefs regarding its Motion to Intervene and Unseal.

In the first motion, the Times seeks leave to intervene in this case to pursue its motion to unseal. The motion to unseal requests that the Court unseal the currently sealed docket entries in this case on the Court's electronic case-management system (not the actual sealed documents themselves). The motion to unseal also requests unsealing of the witness and exhibit lists (docs. 86 and 87) filed by the government on November 9, 2021. For the reasons urged in the government's original motion to seal (doc. 73), and because the Court was then continuing the trial of this case from November 8, 2021, to February 8, 2022, the Court, also on November 9, granted the government's motion to file those lists under seal and directed that the clerk maintain the lists under seal until the conclusion of the

trial of this case (doc. 85).

The government responded to the Times's motions and simultaneously filed its motion to strike, seeking therein to have stricken the exhibit and witness lists it filed under seal on November 9. The government points out that it sought to file those lists at a time when trial, which was then scheduled for November 8, appeared to be imminent. The government now contends that since that date it has made and will likely continue to make several changes to its exhibit and witness lists. As a result, it expects to file amended lists on February 1, in accordance with the Court's order continuing the trial date to February 8, and thus desires that its previous versions be stricken.

After review of all of the motions and briefs regarding these issues, the Court concludes as follows:

(1) The Times's Motion to Intervene (doc. 89-1) is GRANTED;

(2) The Times's Motion to Unseal (doc. 89-2) is PARTIALLY GRANTED, in that the clerk of the Court is DIRECTED to unseal **all of the docket entries** in this case (solely the entries on the docket, however, and not the actual imaged documents to which those entries pertain). In addition, the text of all future **docket entries** for sealed documents in this case shall remain unsealed absent further request and order of the Court, which the Court is generally disinclined to grant;

(3) The government's Motion to Strike (doc. 96) Witness and Exhibit Lists (docs. 86 and 87) is PARTIALLY GRANTED, in that the lists are DEEMED withdrawn. The image of the documents shall,

however, remain on the docket under seal and shall be unsealed at the conclusion of trial, in accordance with the Court's November 9 order (doc. 85) and for the reasons urged in the government's motion to seal (doc. 73). The government shall file amended witness and exhibit lists on February 1, as permitted by the Court's November 9, 2021 Amended Order Granting Second Motion to Continue (doc. 82). Given that the Court fully expects the trial to proceed as scheduled on February 8, and in light of the Times's objections, the government's amended witness and exhibit lists to be filed on February 1 will not be sealed absent extremely good cause.

(4) The Times's Motions for Leave to File Reply Briefs (docs. 102 and 103) are DENIED.

SIGNED January 26, 2022.

  
TERRY R. MEANS  
UNITED STATES DISTRICT JUDGE